

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DORMAN ANGEL, et al.	:	CIVIL ACTION NO. C-1-01-467
	:	
Plaintiffs	:	JUDGE: SANDRA S. BECKWITH
	:	
vs.	:	
UNITED PAPERWORKERS INTERNATIONAL UNION (PACE) LOCAL 1967, et al.	:	<u>NOTICE TO TAKE DEPOSITION</u> <u>OF INTERNATIONAL PAPER</u> <u>REPRESENTATIVE PURSUANT TO</u> <u>RULE 30(b)(6)</u>
	:	
Defendants	:	

Now come Plaintiffs, by and through counsel, and hereby gives notice of the taking of the deposition of a representative of International Paper pursuant to Fed. R. Civ. P. 30(b)(6). International Paper shall designate one or more of its officers, directors or managing agents or other persons who consent to testify on its behalf as to the following issues:

1. The identification of the individual or individuals who negotiated on behalf of International Paper with Smart Corporation for the sale of the B Street Mill. This includes what, if any, participation included Tom Stewart.
2. The participation by International Paper in the effects bargaining agreement with the unions at the B Street Mill and the nature of that participation.
3. Discussions relating to the effects bargaining agreement with the unions at the B Street Mill, including any discussions relating to severance for the employees who would be retained or terminated upon sale of the B Street Mill.
4. Discussions between International Paper and Smart relating to the sale agreement, the retention of employees, the rehiring of employees by Smart, and the payment

of severance for employees who were not retained by Smart.

5. The role of Tom Stewart in the issues identified in paragraph 4.
6. The issue of what, if any, contingencies existed between International Paper and Smart in the event an agreement could not be reached between International Paper and the unions relating to the effects bargaining of the plant closure.
7. The issue of any discussions which may have occurred with representatives of International Paper in the event an effects bargaining agreement could not be reached between International Paper and the unions relating to the sale of the B Street Mill.
8. Whether International Paper and its representatives considered the effects bargaining agreement that was executed with the unions a collective bargaining agreement or a part of the bargaining agreement that existed.
9. What, if any, contingencies existed or discussions occurred regarding the assumption of the union contract or a plant strike if no agreement could be reached between International Paper and the unions?
10. What, if any, discussions occurred relating to providing Smart with a work force to operate the plant upon sale and transfer of the plant from International Paper to Smart?

Said deposition will take place on the 27th day of January, 2005 at 4:00 p.m. Eastern Standard Time by telephone at the offices of Jacobs, Kleinman, Seibel & McNally, 1014 Vine Street, Suite 2300, Cincinnati, Ohio, 45202. You are invited to participate.

RESPECTFULLY SUBMITTED,

/s/ Mark J. Byrne

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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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I also certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

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/s/ Mark J. Byrne
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